IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 22626 of 2005(R)

PETITIONERS:

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1. **P. SHAJI KUMAR, PC [Q] 3714,**
   POLICE CONSTABLE, CB CID, KOLLAM.

2. **R. REGHUVARAN, PC. [Q] 3713,**
   POLICE CONSTABLE, CB CID, KOLLAM.

3. **N. MOHANAN, P.C.[Q] 3732,**
   POLICE CONSTABLE, CB CID, KOLLAM.

4. **SURESH KUMAR, P.C.[Q] 3708,**
   POLICE CONSTABLE, PALLITHOTTAM POLICE STATION, KOLLAM.

5. **CHANDRABABU, P.C.[Q]. 3719,**
   POLICE CONSTABLE, PALLITHOTTAM POLICE STATION,
   KOLLAM.

6. **JOSEPH RAJU, P.C.[Q] 3787,**
   POLICE CONSTABLE, CHAVARA POLICE STATION,
   KOLLAM.

7. **T. RAMESAN, P.C.[Q] 3887,**
   POLICE CONSTABLE, EAST POLICE STATION, KOLLAM.

8. **T. SANKARANARAYANA PILLAI,**
   P.C.[Q] 3708 (CORRECTED AS P.C. (Q) 3933),
   POLICE CONSTABLE,
   EAST POLICE STATION, KOLLAM.

BY ADV. SRI. C. UNNIKRISHNAN (KOLLAM)
SRI. S. HARIKRISHNAN

P.C.(Q) NO. OF THE 8TH PETITIONER IS CORRECTED AS 3933 INSTEAD OF 3708 AS PER ORDER DATED 9/9/05 IN I.A. 13146/05.

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY ITS**
   SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF FINANCE, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, VAZHUTHACAUD, TRIVANDRUM.

4. THE ADDITIONAL DIRECTOR GENERAL OF POLICE, (CRIMES), CB CID, HEAD QUARTERS, VALLAKKADAVU, TRIVANDRUM.

5. THE SUPERINTENDENT OF POLICE, CB CID, HEAD QUARTERS, VALLAKKADAVU, TRIVANDRUM.

6. THE SUPERINTENDENT OF POLICE, CB CID, KOLLAM.

7. THE DISTRICT SUPERINTENDENT OF POLICE, KOLLAM.

BY GOVERNMENT PLEADER SRI. MANOJ.
SRI. GRASHIOUS KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007 ALONG WITH OP NO. 4472 OF 2001, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22626 of 2005(R)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE RELEVANT PAGES OF G.O. (P) NO. 3000/98/FIN DATED 25.11.98 ISSUED BY THE 2ND RESPONDENT.**
EXT. P2	**:**	**COPY OF THE G.O. (Ms) NO. 234/99/HOME DATED 24.11.99 ISSUED BY THE 1ST RESPONDENT.**
EXT. P3	**:**	**COPY OF THE S.O. NO. 8/CR/2005 DATED 20.1.2005 ISSUED BY THE 4TH RESPONDENT.**
EXT. P4	**:**	**COPY OF THE G.O(Ms) 174/00/HOME DATED 18.7.2000, ISSUED BY THE 1ST RESPONDENT.**
EXT. P5	**:**	**COPY OF THE LETTER NO. F1/12959/CR/2004 DATED 22.2.2005 ISSUED BY THE 4TH RESPONDENT TO THE 6TH RESPONDENT.**
EXT. P6	**:**	**COPY OF THE REPRESENTATION DATED 19.4.2005 PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
EXT. P7	**:**	**COPY OF THE CIRCULAR NO. 57/99/FIN. DATED 4.9.99 ISSUED BY THE 2ND RESPONDENT.**
EXT. P8	**:**	**COPY OF THE ORDER IN C.M.P 7412/01 IN O.P. 4472/2001 ISSUED BY THIS HON'BLE COURT.**

// TRUE COPY //

P.A. TO JUDGE.

smp

KURIAN JOSEPH, J.

W.P.(C) NO. 22626 OF 2005

&

O.P. NO. 4472 OF 2001

Dated this the 21st day of March, 2007.

J U D G M E N T

Exhibit P1 Government Order, in the matter of pay revision implementation is to take effect from 01.03.1997, whereas Exhibit P2 order was passed only on 24.11.1999, extending the benefit of Exhibit P1 Government Order to employees like the petitioners. The stand taken in Exhibit P4 is that the petitioners will get the benefit only with effect from the date of Exhibit P1 order, namely 25.11.1998. But, it is stated very clearly in Exhibit P1 order itself that the said order dated 25.11.1998 will take effect from 01.03.1997. Therefore, there is no justification in the stand taken in the impugned orders. The petitioners will be entitled to get the benefit of the Time bound Higher Grade Promotion with effect from 01.03.1997. Impugned orders are accordingly quashed.

These original petitions are disposed of as above.

KURIAN JOSEPH, JUDGE.

smp